

Claim 44. (amended). A method for fabricating a superheated vapor generator which includes the steps of:

- (1) providing at least two sections fastenable together to define and enclose interior space;
- (1) providing at least two sections fastenable together to define and enclose interior space;
- (2) providing a least one thermal element and attaching said thermal element to at least one of said sections in thermal contact therewith; and
- (3) fastening said at least two sections together.

In response to the Examiner's request for remarks in response to the Office Action of 4/08/03 said remarks have already been provided in connection with the Amendment filed September 30, 2003. Out of an abundance of caution, however, and in order to expedite matters, the following remarks are reproduced from pages 5 – 8 of the Amendment filed September 30, 2003.

-- REMARKS --

Claim 1 has been amended to define more clearly its distinction over the art, as have claims 41,42,43,44.

Claims 18, 22, 29 have been rewritten in independent form, these claims having been conceded in the Office Action to contain patentable subject matter. Claim 30 remains dependent from Amended Claim 29. Claim 23 has been deleted as duplication of unamended Claim 22.

A Petition for Extension of Time for Response is being filed concurrently herewith.

For the reasons stated hereinbelow it is believed that the claims as amended are patentable over the art of record and that as a result all objections and rejections should be reconsidered and withdrawn and that the claims as amended should be allowed.

The rejection of amended Claim 1 under 35 USC 103(a) as unpatentable over Friedheim (U.S. Pat. No. 5,471,556) or Friedheim (U.S. Pat. No. 4,414,037) of claims 1-11, 13-17, 19-21, 23-28, and 31- 44, as amended, in view of Kishi et al (U.S. Pat. No. 5,149,399) or Gamell (U.S. 3,800,528), is respectfully traversed.

Generally, the Kishi device creates sufficient heat to vaporize urine, requiring a relatively low temperature, similar to an autoclave with outlet for evaporation to escape. The Kishi device comprises an immersable heater placed into a container to heat urine to issue at a low velocity from the container. The device of Kishi with balls 21 employs the balls to hold the heat which are enclosed in an inner container with heat insulative walls.

By contrast, in the instant invention as defined by claim 1, as amended, the thermal element is in thermal contact with at least one surface which at least partially defines the vaporization chamber. As noted in the summary of the invention herein, the thermal element provides added heated surface in addition to the wall. Clearly, one of normal skill in the art would have no incentive to attempt to combine the references as suggested in the Office Action and there would be no rational basis for seeking a combination of references from a low-temperature urine vaporizer with superheated vapor generators.

The Gamell reference device comprises a heating element in a vessel for boiling fluid (not superheating vapor) and includes radiant heating devices within the vessel to provide heat to foster a flow of steam of sufficient force to operate a turbine for generating electricity. This is a simple steam boiler as opposed to the flash boiler of the invention for creating steam vapor pressure upon demand for various purposes including cleaning. The radiant heat source of Gamell (reference numeral 30) has no relation to the thermal element of the invention herein which is in thermal contact with the at least one surface partially defining the vapor generation chamber of the invention. The thermal element of the present invention adds in effect to the heated chamber-defining surface; it does not generate heat. It is in thermal contact with the chamber-defining surface to add area to it.

The comment in the Office Action regarding Claim 8 is respectfully traversed. It has been discovered in connection with the instant invention that the junction of the two dissimilar metals does not produce undesirable side effects. Further, Claim 8 as the application now stands is patentable depending as it does from amended Claim 1.

The remarks in the office Action concerning Claim 25 are respectfully traversed. There is no showing or suggestion of arbitrary shapes of thermal elements in the art of record. The elements in the art cited, alleged to constitute analogues to the thermal elements of the present invention, are spherical (Kishi et al) and curvilinear (coiled wire in Gamell). Moreover Claim 25, depending from patentable amended Claim 1, is itself patentable.

Applicant respectfully traverses the remarks in the Office Action concerning the Sloan reference (U.S. Patent No. 6,299,076). As stated in Sloan in the summary of invention, the walls in Sloan are composed of "aluminum alloy machined or otherwise fabricated to accept a coating of or layer of porous non-corrodible material such as stainless steel. Although all of the wall surfaces ... can be coated, coating only the lower half of the cavity has been found to provide good results."

Accordingly, far from being "smooth" the Sloan walls are in fact not "smooth" as alleged in the Office Action but are basically non-smooth ("to accept a coating") and are partially coated with a "layer of porous" material.

Thus Claim 12 is unobvious over the references of record and in any event is patentable as depending from a patentable base claim, Claim 1 as amended.

Applicant respectfully traverses the contention in the Office Action that "it would have been obvious to one of ordinary skill in the art to insert the thermal elements before assembling the vapor generator parts or after assembling the vapor generator parts since such would depend on the convenience of the assembling process."

There is nothing in the cited references showing or suggesting the method of the instant application. The elements of the respective devices which the Office Action attempts to equate with the thermal elements of the Applicant's invention are, as shown above, wholly different in structure and function from the thermal elements of the present invention. Accordingly, any method of assembling the reference devices could have no

rational bearing on the method claims herein, nor is there any other basis (except perhaps impermissible hindsight reconstruction) for regarding the method claims herein as obvious.

Therefore, the claims as amended being patentable over the references of record, it is respectfully submitted that the rejections and objections in the Office Action should be reconsidered and withdrawn and the application allowed.

-- REMARKS --

The instant amendment is provided in response to the office action herein mailed November 24, 2004. In that Office Action, a request was made for a further compliant amendment listing all claims, it being contended Claims 41 – 44 were omitted from the prior compliant amendment filed August 9, 2004. Applicant's records indicate that Claims 41 – 44 were in fact not omitted from the Amendment filed August 9, 2004; however, for purposes of expediting prosecution hereof, the material regarding Claims 41 – 44 is resubmitted. Also in the Office Action of November 24, 2004, the request was made for submitting remarks in response to the Office Action of April 6, 2003. As noted above, said remarks were provided in the Office Action of September 30, 2003 filed herein. For purposes of a clear record and to expedite the prosecution hereof, Applicant has herein reproduced the remarks that were filed in the Amendment of September 30, 2003.

Based on the foregoing, it is believed that all formal objections have now been met and predicated upon the substantive amendment provided previously and herein reproduced, it is believed that all remaining claims in the case are patentable over the art of record. Consequently, it is respectfully requested that all objections and rejections be reconsidered and withdrawn and that the Application be allowed as to all remaining claims.

Respectfully submitted,
EVANNS & WALSH

Joseph R. Evans, Reg. No. 25,676
Attorney for Applicant

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119 N. San Vicente Blvd.
Beverly Hills CA 90211

(310) 273-0938 ; (323) 651-3027 (fax)

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